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Communications concerning the status of women

Future work of the Working Group on Communications on the Status of Women

Report of the Secretary-General

Summary

The present report compiles additional or updated written views of Member States on the future work of the Working Group on Communications of the Commission on the Status of Women.

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I. Introduction

1. By its decision 52/101, entitled "Future work of the Working Group on Communications", the Commission on the Status of Women decided to postpone its consideration of the future work of the Working Group on Communications on the Status of Women until its fifty-third session. It requested the Secretary-General to prepare a report on the future work of the Working Group compiling additional or updated written views of Member States received since the preparation of the previous report on the subject (E/CN.6/2004/11 and Add.1 and 2).

2. As at 29 September, the following nine States had responded to the Secretary-General's request for views in accordance with decision 52/101: Azerbaijan, France (on behalf of the European Union), Egypt, Lebanon, Madagascar, Morocco, Russian Federation, Switzerland and Thailand. Those views are reflected below.

II. Written views received from Member States on the future work of the Working Group on Communications on the Status of Women

3. Azerbaijan and Morocco had no objection to postponing the consideration of the future work of the Working Group on Communications on the Status of Women until the fifty-third session of the Commission on the Status of Women.

4. Egypt stated that the focus of the Commission on the Status of Women should be on improving the working methods of the Working Group on Communications within its established mandate rather than exploring new mechanisms. Since the 2004 report of the Secretary-General, there had been no developments to warrant transforming the Working Group into a new complaints mechanism. Such a change would result in undesirable duplication, fragmentation and inconsistency, given that other mechanisms for dealing with complaints submitted by women already existed, including the mechanism of the Committee on the Elimination of Discrimination against Women.

5. Egypt was of the view that patterns of violations of women's rights in various regions should continue to be studied without singling out any particular State. Egypt was opposed to adopting resolutions on specific human rights situations because it believed that cooperation and constructive dialogue was the basis for improving, enhancing and protecting human rights generally and women's rights in particular.

6. Egypt believed that the working methods of the Division for the Advancement of Women of the United Nations Secretariat should be developed and improved with a view to raising awareness of its activities as a body that received complaints relating to women's issues rather than receiving grievances relating to women through other United Nations mechanisms, such as the confidential 1503 procedure of the Human Rights Council.

7. The European Union noted that, since the 2004 report of the Secretary-General on the future work of the Working Group on Communications on the Status of Women, the Working Group had continued to face the same difficulties in carrying out its mandate. The European Union considered, however, that the mandate of discerning trends in terms of injustice or discriminatory practices towards women in

the world and of producing recommendations remained of interest. It was thus important to enable the Working Group to carry out its mandate in an efficient manner. In the opinion of the European Union, improvements to the mechanism should focus on the following aspects: (a) it would be suitable for the secretariat of the complaints procedure of the Human Rights Council to transmit to the Commission on the Status of Women complaints relating to the status of women that had been addressed to the Human Rights Council, in accordance with the established practice between the 1503 procedure and the communications procedure of the Commission on the Status of Women; (b) the secretariat should take measures to facilitate the collection of complaints, for example by making the mechanism better known to the persons it concerned, or even by approaching other sources such as treaty bodies or special procedures, taking into account the respective mandates of those diverse mechanisms; (c) the terms of the members of the Working Group on Communications should be extended to two years so as to enhance their expertise, as was suggested by the Secretary-General in his report (E/CN.6/2004/11); in the same spirit, the passing of information to successive members of the Working Group should also be encouraged; and (d) above all, the members of the Working Group should be encouraged to make more use of their prerogative to make recommendations and the Commission on the Status of Women should strive each year to follow up in one form or another on the report of the Working Group on Communications. The European Union felt that it would be important to reinforce the links between the work of the Working Group on Communications and the work of the Commission on the Status of Women.

8. The Russian Federation viewed the communications procedure of the Commission on the Status of Women as not having been very effective. It had not assisted the Commission in identifying trends and practices relating to the violation of the basic rights of women and thus had failed to assist the Commission in developing policies and guidelines to improve the status of women.

9. The Russian Federation added that the existing practice of information and communication exchange between the Commission on the Status of Women and the Commission on Human Rights (now, the Human Rights Council) had no legal basis and led to unreasonable duplication of work by different organs of the United Nations system. A communication should only be considered once under the most appropriate procedure. The Russian Federation considered it to be unacceptable to request a Member State to respond twice to an identical complaint. Furthermore, of 185 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, 90 States recognized the authority of the Committee on the Elimination of Discrimination against Women to consider communications and undertake follow-up activities. Consequently, the operation of the Working Group on Communications on the Status of Women had already led to additional duplication of functions in relation to the gender perspective.

10. The Russian Federation thought that the future work of the Working Group on Communications needed to be considered within the context of the ongoing consideration of the recommendations of the High-level Panel on System-Wide Coherence on Gender, a discussion that was far from completion. As it was not clear how the gender perspective would be changed, it seemed reasonable to postpone a decision on the future work of the Working Group on Communications until the final stage of reform was reached.

11. Switzerland had joined the United Nations in 2002, and had not yet had the opportunity to become a member of the Commission on the Status of Women, which made it difficult to provide detailed comments on the past or future work of the Working Group on Communications on the Status of Women, all the more so as the communications procedure was confidential. As an active observer of the Commission, however, Switzerland intended to fully support that important procedure, which not only had to be maintained, but also made more efficient. Indeed, not all the Member States of the United Nations were parties to the Convention on the Elimination of All Forms of Discrimination against Women, and even less were parties to the Optional Protocol with its communications procedure.

12. In the opinion of Switzerland, the mandate given to the Commission by the Economic and Social Council was clear: all communications that "reveal a consistent pattern of reliably attested injustices and discriminatory practices against women" fell within the scope of the confidential communications procedure of the Commission on the Status of Women and, consequently, must be considered by the Working Group. As the number of communications submitted to the Working Group was limited compared with other United Nations communications procedures, such as the confidential complaints procedure of the Human Rights Council, the fact that the procedure existed should be widely publicized, and the number of communications received should be increased by widening the possible sources of communications, while avoiding duplication.

13. Switzerland suggested that the Commission on the Status of Women should use the confidential complaints procedure of the Human Rights Council (the 1503 procedure was revised in 2007 following the establishment of the Human Rights Council) as a source of inspiration. One positive development of that procedure, which might serve to inspire the Commission, was that authors of communications were informed of decisions taken at all stages of the procedure, i.e. by the Working Group, the Commission and the Economic and Social Council.

14. In conclusion, Switzerland hoped that next year, at its fifty-third session, the Commission on the Status of Women would consider its confidential complaints procedure on the basis of the proposals made by the Secretary-General in his 2004 report and in the light of observations made by Member States.

15. Thailand pointed out that there were a number of working groups with a mandate to consider communications dealing with human rights, such as the Working Group on Communications of the Human Rights Council and the Committee on the Elimination of Discrimination against Women. Therefore, and because the United Nations was in the process of reform, the Working Group on Communications on the Status of Women should avoid duplicating the work of other bodies. Thailand felt that a clear definition and delineation of duties of the three bodies concerned would avoid duplication in the United Nations system as well as for the Member States involved.

III. Written views received from Member States

16. Lebanon proposed that a report should be submitted on women's political participation. It also proposed that the problem of early marriage should be added to the agenda item on forced marriage and that the Government of Lebanon should be supplied with all reports.

17. Madagascar described steps that it had taken for gender equality and the advancement of women in various fields within the context of its international and regional commitments, including decision-making, reproductive health, education and the economy.